

SUBJECT: DISCRIMINATION COMPLAINT PROCESSING

PURPOSE:

This policy is to establish the Washington State Employment Security Department's (ESD's) intent to comply with all applicable provisions of federal and state employment anti-discrimination laws by taking, investigating, and resolving complaints of discrimination. This policy applies to all employment discrimination complaints filed by **ESD employees**, and service delivery discrimination complaints filed by **clients of ESD programs and activities**.

POLICY:

It is the policy of the Employment Security Department to provide equal opportunity in all aspects of employment and service delivery. It is a violation of this policy to discriminate in employment and service delivery based on race, color, religion, sex, national origin, age, disability, sexual orientation, or political affiliation or belief. It is further a violation of this policy to discriminate in employment based on marital status, and to discriminate in service delivery based on citizenship or status as a participant in any WIA Title I-financially assisted program or activity.

1. INTIMIDATION AND RETALIATION PROHIBITED

It is a violation of this policy to intimidate or retaliate against any individual for having filed a complaint, providing information, or assisting or participating in any manner in an investigation.

2. RESOLUTION AT LOWEST POSSIBLE LEVEL

It is the policy of ESD to support employees and clients in resolving all disputes informally at the lowest possible level. However, all ESD employees are responsible for protecting employees' and clients' rights to file formal complaints alleging violation of this policy.

3. RIGHT TO FILE COMPLAINT

Anyone believing s/he has been subjected to discrimination, retaliation, or intimidation may file a complaint in accordance with the procedures outlined below.

4. RIGHT TO OTHER PROCESSES

It is the right of every employee to file a grievance alleging discrimination in accordance with the procedures established in the Collective Bargaining Agreement.

Furthermore, it is the right of every employee and client to file a discrimination complaint directly with a state or federal agency with jurisdiction over the alleged complaint.

Civil Rights Center / U.S. Department of Labor (CRC)

http://www.dol.gov/dol/oasam/public/regs/compliance/CIF_information.htm

CRC has responsibility for enforcing federal laws that prohibit discrimination by recipients of federal funds in employment and service delivery based on race, color, and national origin (Title VI). CRC also has responsibility for enforcing federal laws that prohibit discrimination based on religion, age, sex, disability, political affiliation or belief. CRC also has responsibility for enforcing federal laws that prohibit discrimination by recipients of federal funds in service delivery based on citizenship or status as a participant in any WIA Title I-financially assisted program or activity (Section 188 of the Workforce Development Act of 1998 – WIA). CRC's jurisdiction is over violations of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1998.

For all complaints alleging violations of both Title VI and VII, Title VI takes precedence over Title VII, thus affording CRC jurisdiction.

Equal Employment Opportunity Commission (EEOC)

<http://www.eeoc.gov/facts/howtofil.html>

EEOC has responsibility for enforcing federal laws that prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, age (40 or above), and disability. EEOC jurisdiction is over violations of Title VII of the Civil Rights Act of 1964 and Title I of the Americans with Disabilities Act of 1990.

Office of Civil Rights/Department of Education (OCR)

<http://www.ed.gov/offices/OCR/complaintintro.html>

OCR has responsibility for enforcing federal laws that prohibit discrimination in education related employment and service delivery based on sex. OCR's jurisdiction is over violations of Title IX of the Civil Rights Act, as amended.

Washington State Human Rights Commission (HRC)

<http://www.wa.gov/hrc/hrc3-03b.htm>

HRC has responsibility for enforcing state laws that prohibit discrimination in employment and places of public accommodation based on race, creed, color, national origin, sex, or the presence of any sensory, mental or physical disability. HRC also has responsibility for enforcing state laws that prohibit discrimination in employment based on age (40 or above) and marital status. HRC jurisdiction is over the state law against discrimination – RCW 49.60.

5. STATE EQUAL OPPORTUNITY (EO) OFFICER RESPONSIBILITIES

The State EO Officer is responsible for:

- Arranging for investigation of all complaints of discrimination filed with ESD;
- Arranging for mediation services when requested;
- Responding to all requests for information on complaints filed directly with federal and state enforcement agencies.

6. ESD MANAGER RESPONSIBILITIES

Managers have the responsibility for:

- Maintaining a nondiscriminatory work and customer service environment;
- Informing all employees of the applicable nondiscrimination laws and these procedures, and to ensure proper understanding of and full adherence to them;
- Cooperating and assisting in the investigation and resolution of discrimination complaints;
- Ensuring that the Equal Opportunity Poster is displayed in a location visible to ESD employees, applicants, clients, and service providers; and that CRC discrimination complaint forms are available at their site (Attachment 1); and
- Maintaining confidentiality.

7. ESD EMPLOYEE RESPONSIBILITIES

Employees are responsible for:

- Maintaining a nondiscriminatory work and customer service environment;
- Being aware of all applicable nondiscrimination laws and these procedures;
- Cooperating in the investigation and resolution of discrimination complaints;
- Immediately responding to complaints of discrimination from clients.
Employees who receive complaints from clients alleging a violation of this policy are required to immediately forward the complaint to their supervisor, the State EO Officer or a local Workforce Development Council EO Officer; and
- Maintaining confidentiality.

PROCEDURES:

1. Client Complaints Against WorkSource System Programs

Complaints of discrimination filed by applicants, registrants for aid, benefits, services or training; eligible applicants or registrants, participants, applicants for employment; service providers, eligible service providers; customers; clients; and contractors are processed under WIA Title I-B Policy 3450 – Equal Opportunity Discrimination Complaint Processing Policy and Procedures.

2. Receipt of Complaint

- **A client** may bring a complaint in person or over the telephone to any employee in the Department. Employees who receive complaints from clients are required to immediately forward the complaint to their supervisor, the State EO Officer or their local WDC EO Officer.
- **An employee** may bring a complaint issue to either the State EO Officer, or to any supervisor, manager, or human resource staff person in the Department. Supervisors, managers, or human resource staff who receive complaints from employees are required to immediately notify the State EO Officer.
- The State EO Officer or his/her designee is responsible for determining if the complaint is covered under this policy.

3. Discrimination Complaint and Filing

- Complaints filed under this policy must be filed in writing **within 180 calendar days** of the alleged discrimination. It is recommended, but not required, that the complaint be filed on the USDOL/CRC Complaint Information Form and Privacy Act Consent Form. The complaint document must contain the following information:
 - Complainant's name and address, or other means by which the complainant may be contacted;
 - Identification of individual(s) or organization(s) responsible for the alleged discrimination; and
 - A description of the complainant's allegations, which must include enough details to determine:
 - a) ESD's jurisdiction of the complaint;
 - b) if the complaint was filed timely (within 180 days);
 - c) specific prohibited bases of the alleged discrimination (i.e., race, sex, etc.);
 - d) apparent merit of the complaint; and,
 - e) complainant's signature or the signature of his/her authorized representative.
- Any individual wishing to file any discrimination complaint must be given the option to file the complaint with the State EO Officer and/or directly with the Director of the Civil Rights Center, United States Department of Labor (CRC/USDOL):

Director/Civil Rights Center
U.S. Department of Labor
Room N-4123, Frances Perkins Bldg.
200 Constitution Avenue NW
Washington, D.C. 20210

State Equal Opportunity Officer
Human Resources Management
Employment Security Department
P. O. Box 9046
Olympia, WA 98507-9046

4. Initial Letter/Contents and Timeframes for Processing a Complaint

- Upon receipt of a signed written discrimination complaint, the State EO Officer or his/her designee will log it in.
- If the State EO Officer or his/her designee determines s/he does not have jurisdiction over the complaint, s/he must immediately notify the complainant in writing, including reasons for the determination. Unless the complaint is based on marital status or sexual orientation (which are only protected classes under state law), this Notice of Lack of Jurisdiction must advise the complainant that s/he has a right to file with the Director of CRC within thirty (30) calendar days of the date of the Notice.
- If the State EO Officer determines that the complaint is jurisdictional, within ten (10) working days of receipt of the complaint, the State EO Officer or his/her designee shall issue an initial written notice to the complainant that contains the following information:
 - Acknowledgement of receipt of the complaint.
 - Advising the complainant of his/her right to seek representation by an attorney or other individual of his/her choice in the complaint process.
 - A list of each issue raised in the complaint and, for each issue, a statement that the issue is accepted for investigation or is not accepted. The reason(s) must be provided for rejection.
 - Advising the complainant of the timeframes for processing the complaint and providing a determination.
 - The total time allowed for processing the complaint is ninety (90) calendar days from the date on which the complaint was filed.
 - If the complainant elects to file with both CRC and ESD, the complainant shall be informed that ESD has ninety (90) calendar days to process the complaint, and that CRC shall not investigate the complaint until the ninety (90) calendar-day period has expired.
 - The complainant will be given an invitation to participate in mediation. If the complainant elects to participate, s/he or the designated representative must respond to the invitation in writing within ten (10) calendar days of the date of the letter. This written acceptance must also include the relief sought.

- Immediately after issuance of the initial written notice to the complainant, the State EO Officer or his/her designee shall either begin the fact-finding or investigation of the complaint, or arrange to have an investigation conducted.
- If the complainant or designated representative has not responded to the invitation within ten (10) calendar days, the complainant will be considered to have waived the right to mediation.
- If the complainant refuses to participate in mediation, and/or mediation is unsuccessful, the State EO Officer or his/her designee continues with the investigation.
- The State EO Officer will issue a Notice of Final Action to the complainant by the end of ninety (90) calendar days from the date on which the complaint was filed. If ESD fails to issue a Notice of Final Action, the complainant may file a complaint with the Director of CRC. This must take place within thirty (30) calendar days of the expiration of the ninety (90) calendar-day period.

5. Alternative Dispute Resolution (ADR)/Mediation Process

During the ninety (90) calendar-day period, complainants may elect to participate in mediation. If the complainant selects mediation, it allows disputes to be resolved in a less adversarial manner. The State EO Officer or his/her designee will contract with a pre-approved mediator or designate a Human Resources mediator. The individual conducting the mediation must be a neutral and impartial third party who will act as a facilitator. The mediator must be a person who is acceptable to all parties and who will assist the parties in resolving their disputes.

- The State EO Officer or his/her designee will contact the parties no later than ten (10) calendar days of receipt of the complaint to determine the complainant's willingness to mediate.
- If the complainant chooses to participate in mediation, s/he or the designee must respond in writing within ten (10) calendar days of the date of the request. This written acceptance must be dated and signed by the complainant and must also include the relief sought.
- A written confirmation identifying the date, time and location of the mediation conference will be sent to all appropriate parties. Parties to the complaint will be advised of their right to representation in the mediation.
- A consent form will be signed by all parties at initiation of the mediation process affirming that the contents of the mediation will be kept confidential.

- If resolution is reached under ADR/mediation, the agreement will be in writing. The signed mediation agreement is binding.
- If an agreement is reached under ADR/mediation but a party to the agreement believes his/her agreement has been breached, and the complaint was not based on marital status or sexual orientation, the non-breaching party may file a complaint with the CRC Director within thirty (30) days of the date on which the non-breaching party learned of the alleged breach.
- If the parties do not reach resolution under ADR/mediation, the complainant will be advised of his/her right to file a complaint with the CRC/USDOL within thirty (30) days of the date on which the mediation terminated; however, the State EO Officer or his/her designee will continue with the investigation.
- If at all possible, the mediation process should be completed within thirty (30) calendar days of receipt of the complaint. This will assist in keeping within the ninety (90) calendar-day timeframe of the written Notice of Final Action if the mediation is not successful.

6. Notice of Final Action

A written Notice of Final Action will be provided to the complainant within ninety (90) calendar days of the date the complaint was filed. It will contain:

- A statement regarding the disposition of each issue raised in the complaint and the reason for the determination.
- Description of the way the parties resolved the issue(s). If the complaint was resolved by mediation, a copy of the agreement will be attached to the Notice of Final Action.
- Notice that the complainant has the right to file a complaint with CRC within thirty (30) calendar days after the date the Notice of Final Action is issued, if s/he is dissatisfied with the final action on the complaint. If ESD fails to issue a Notice of Final Action within ninety (90) days of the date upon which the complaint was filed, the complainant may file directly with CRC within (thirty) 30 calendar days of the expiration of the 90-day period.

7. Corrective Action

If discrimination is found through the process of a complaint investigation, corrective action(s) will be taken to correct the discrimination.

8. Extension of Time Limits

Unless the complaint is based on marital status or sexual orientation, the complainant shall be notified that the Director of CRC may extend the time limits for good cause shown if:

- a) the complaint has not been filed within 180 calendar days of the alleged discrimination;
- b) a complaint has not been filed with CRC within thirty (30) calendar days of receipt of the recipient's determination; or
- c) the complainant has failed to file a complaint with CRC within thirty (30) calendar days after the expiration of the ninety (90) calendar-day period provided to the State EO Officer for a response.

RECORD KEEPING

The State EO Officer shall maintain a log of discrimination complaints. Records pertaining to discrimination complaints, investigations, or any other such actions shall be retained for a minimum of three (3) years from the date of resolution.

RELATED POLICIES:

P & P 0013-1 Nondiscrimination on the Basis of Disability in Departmental Programs and Activities

P & P 0014 Harassment

P & P 0021 Equal Opportunity/Affirmative Action

WIA Policy 3450 – Equal Opportunity Discrimination Complaint Processing Policy and Procedures.

SUPERCEDES:

Policy & Procedure No. 0013 dated 12/10/93

DIRECT INQUIRIES TO:

State Equal Opportunity Officer
Employment Security Department
Human Resources Management Branch
Phone: (360) 902-9536
TDD: (360) 902-9569

ATTACHMENTS:

[CRC Complaint Information Form \(English version\)](#)

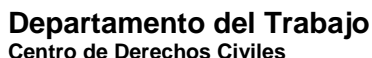
[CRC Complaint Information Form \(Spanish version\)](#)

[Notice about Investigatory Uses of Personal Information \(English version\)](#)

[Notice about Investigatory Uses of Personal Information \(Spanish version\)](#)

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<p>10. Why do you believe these events occurred?</p> 	<p>14. Do you have an attorney? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide name, address and phone: <hr/><hr/><hr/><hr/> </p>																																	
<p>11. What other information do you think is relevant to our investigation?</p> 	<p>15. Have you filed a case or complaint with any of the following? <input type="checkbox"/> Civil Rights Division, U.S. Dept. of Justice <input type="checkbox"/> U.S. Equal Employment Opportunity Commission <input type="checkbox"/> Federal or State Court <input type="checkbox"/> Your State or local Human Relations/Rights Commission </p> <p>16. For each item checked in #15 above, please provide the following information: Agency: _____ Date Filed: _____ Case or Docket Number: _____ Date of Trial or Hearing: _____ Location of agency or Court: _____ _____ </p>																																	
<p>12. If this complaint is resolved to your satisfaction, what remedies do you seek?</p> 	<p>Name of Investigator: _____ Status of Case: _____ _____ _____ Comments: _____ _____ _____ Agency: _____ Date Filed: _____ Case or Docket Number: _____ Date of Trial or Hearing: _____ Location of agency or Court: _____ _____ Name of Investigator: _____ Status of Case: _____ _____ _____ Comments: _____ _____ _____ </p>																																	
<p>13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Name</th> <th style="width: 33%;">Address</th> <th style="width: 33%;">Telephone Number</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name	Address	Telephone Number																															This section's content is now integrated into the table in the previous row
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<table style="width: 100%;"> <tr> <td style="width: 50%;">Signed (Complaint NOT VALID unless signed)</td> <td style="width: 50%;">Date</td> </tr> </table>		Signed (Complaint NOT VALID unless signed)	Date																															
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<div>1. Información sobre el querellante</div> <div>Indique su nombre y dirección</div> <div><div></div><div></div><div></div></div> <div>Seguro Social: <div></div></div> <div>(esta información es voluntaria)</div>		<div>Teléfono</div> <div></div> <div></div> <div></div> <div>Residencia</div> <div><div></div><div>(Area)</div><div>(Número)</div></div> <div>Trabajo</div> <div><div></div><div>(Area)</div><div>(Número)</div></div>		<div>7. A su entender, cual de los siguientes programas está relacionado con su queja? *</div> <div><div><div></div>WIA (Ley de Inversión en la Fuerza Trabajadora)</div><div><div></div>"Job Corps"</div><div><div></div>Servicio de empleo (Job Service)</div><div><div></div>Jovenes (Youth)</div><div><div></div>Seguro de Desempleo (Unemployment Insurance)</div><div><div></div>Welfare to Work (Bienestar al Trabajo)</div><div><div></div>Aprendizaje (Apprenticeship)</div><div><div></div>Envejecientes (Older Americans)</div><div><div></div>Seguridad y Salud en las Minas (MSHA)</div><div><div></div>Seguridad y Salud Ocupacional (OSHA)</div><div><div></div>"New directions"</div><div><div></div>WIN</div><div><div></div>Trabajadores Desplazados (Displaced Worker)</div><div><div></div>Otra: Especifique <div></div></div></div> <div><div>* Al nivel local estos programas generalmente se conocen por otro nombre.</div></div> <div>8. Base para queja: en su opinión, ¿por cual de las siguientes razones cree usted que ocurrió la discriminación contra usted?</div> <div><div><div></div>Raza: Especifique <div></div></div><div><div></div>Color: Especifique <div></div></div><div><div></div>Religión: Especifique <div></div></div><div><div></div>Origen Nacional: Especifique <div></div></div><div><div></div>Sexo: <div><div></div> Masculino <div></div> Femenino</div></div><div><div></div>Edad: Especifique fecha de nacimiento <div></div></div><div><div></div>Incapacidad física o mental: Especifique <div></div></div><div><div></div>Afiliación política: Especifique <div></div></div><div><div></div>Ciudadanía: Especifique <div></div></div><div><div></div>Represalia/intimidación</div><div><div></div>Otra: Especifique <div></div></div></div> <div>9. Cree usted que la acción discriminatoria estuvo relacionada con (Escoja una)</div> <div><div><div></div>Su trabajo o diligencias para conseguir empleo</div><div><div></div>El uso de las facilidades o alguien proveyendo/no proveyéndole a usted servicios o beneficios</div></div> <div>Si es asi, cual de las siguientes situaciones están envueltas:</div> <div><div><div></div>Empleo</div><div><div></div>Transición</div><div><div></div>Salario/Sueldo</div><div><div></div>Clasificación</div><div><div></div>Promoción</div><div><div></div>Adiestramiento</div><div><div></div>Transferencia/Reasignación</div><div><div></div>Credenciales/Exámenes</div><div><div></div>Procesamiento de queja</div><div><div></div>Despido/Suspensión</div><div><div></div>Reinstalar</div><div><div></div>Antigüedad</div><div><div></div>Represalia/Intimidación</div><div><div></div>Hostigamiento</div><div><div></div>Acceso/Acomodo</div><div><div></div>Actividades de la unión</div><div><div></div>Solicitud</div><div><div></div>Régistro/Matricula</div><div><div></div>Referimiento</div><div><div></div>Exclusión</div><div><div></div>Asignación</div><div><div></div>Beneficios</div><div><div></div>Evaluación</div><div><div></div>Acción disciplinaria/Reprimenda</div><div><div></div>Ótra: Especifique <div></div></div></div>	
<div>2. Información sobre el demandado</div> <div>Indique nombre y dirección de la Agencia contra quien usted se queja</div> <div><div></div><div></div><div></div></div>		<div>Teléfono</div> <div></div> <div></div> <div></div> <div>(Area)</div> <div>(Número)</div>			
<div>3. ¿Cuál es el lugar y la hora mas conveniente para comunicarnos con usted?</div>					
<div>4. Según usted recuerda, ¿ en qué fecha(s) ocurrió la acción discriminatoria?</div> <div><div><div></div>Primera vez</div><div><div></div>Fecha más reciente</div></div>					
<div>5. ¿Ha intentado usted solucionar su queja a nivel local?</div> <div><div><div></div>NO</div><div><div></div>SI</div></div> <div>a. ¿Le han provisto con una decisión final sobre su queja?</div> <div><div><div></div>NO</div><div><div></div>SI</div></div> <div>b. ¿Han transcurrido 90 días desde que usted sometió o intentó someter su queja?</div> <div><div><div></div>NO</div><div><div></div>SI</div></div> <div><div></div>Fecha de la decisión final</div> <div><div></div>Fecha en que sometió o intentó someter su queja</div>					
<div>6. Explique brevemente y con claridad que ocurrió y como se discriminó contra usted. Indique las personas que estuvieron envueltas en estos incidentes de discriminación. Asegúrese de indicar de qué manera otras personas han sido tratadas diferente a usted.</div>					
<div>For DOL Use Only</div> <div>CIF received by CRC <div></div> Accepted <div></div> Not Accepted <div></div> Case Number <div></div></div> <div>By <div></div> Date <div></div></div>					

[illegible]

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

Two Federal laws govern personal information to Federal Agencies, including the Civil Rights Center (CRC: the Privacy Act of 1974 (5 U.S.C. 552) and the Freedom of Information Act (5 U.S.C. 552) or "FOIA". Please read this description of how these laws apply to information connected with your complaint. After reading this notice, please sign and return the consent agreement printed on the back of this notice, along with your complaint form.

The PRIVACY ACT protects individuals from misuse of personal information held by the Federal government. The law applies to records that are kept and can be located by the individual's name, social security number, or other personal identification system. Anyone who submits information to CRC in connection with a discrimination complaint should know the following:

- CRC has been authorized to investigate complaints of discrimination on the basis of race, color, national origin, age, and handicap, and in some programs on the basis of sex, religion, citizenship, and political affiliation or belief, in programs that receive Federal funds through the Department of Labor. CRC is also authorized to conduct reviews of federally funded programs to assess their compliance with civil rights laws.
- Information that CRC collects is analyzed by authorized personnel within CRC. This information may include personnel or program participant records, and other personal information. CRC staff may want to reveal some of the personal information to individuals outside the office in order to verify facts related to the complaint, or to discover new facts which will help CRC determine whether the law has been violated. Such information could include, for example, the physical condition or age of a complainant. CRC may also have to reveal personal information to a person who submits a request for disclosure authorized by the Freedom of Information Act.
- Information submitted to CRC may also be revealed to persons outside of CRC because it is necessary in order to complete enforcement proceedings against a program that CRC finds to have violated the law or regulations. Such information could include for example, the name, income, age, marital status or physical condition of the complainant.
- Any personal information you provide may be used only for the specific purpose for which it was requested. CRC requests personal information only for the purpose of carrying out authorized activities to enforce, and determine compliance with, civil rights laws and regulations. CRC will not release personal information to any person or organization unless the person who submitted the information gives written consent, or unless release is required by the Freedom of Information Act.
- No law requires that a complainant reveal personal information to CRC, and no action will be taken against a person who denies CRC's request for personal information. However, if CRC cannot obtain the information needed to fully investigate the allegations in the complaint, CRC may close the case.
- Any person may ask for, and receive, copies of all personal materials CRC keeps in his or her file for investigatory use.

AS A POLICY, CRC DOES NOT REVEAL NAMES AND OTHER IDENTIFYING INFORMATION ABOUT INDIVIDUALS UNLESS IT IS NECESSARY TO COMPLETE INVESTIGATION OR ENFORCEMENT ACTIVITIES AGAINST A PROGRAM WHICH HAS VIOLATED THE LAW. CRC never reveals to the program under investigation the identity of the person who filed the complaint, unless the complainant first gave CRC written permission to do so.

The FREEDOM OF INFORMATION ACT (FOIA) gives the public maximum access to Federal government files and records. Persons can request, and receive, information from many types of records kept by the Government-not just materials that apply to them personally. The Civil Rights Center must honor most requests for information submitted under FOIA, but there are exceptions.

- CRC is usually not required to release information during an investigation or an enforcement proceeding if that release would limit CRC's ability to do its job effectively; and
- CRC can refuse to disclose information if release would result in a "clearly unwarranted invasion" of a person's privacy.

PLEASE READ AND SIGN SECTION A OR SECTION B OF THE CONSENT FORM, PRINTED ON THE BACK OF THIS NOTICE, AND RETURN IT TO THE CIVIL RIGHTS CENTER WITH YOUR SIGNED, COMPLETED COMPLAINT INFORMATION FORM.

CONSENT FORM

I have read the Notice about Investigatory Uses of Personal Information, printed on the front of this form. I understand the following provisions of the Privacy Act and Freedom of Information Act, which apply to personal information I reveal to the Civil Rights Center in connection with my complaint:

In the course of investigating my complaint, CRC may have to reveal my identity to staff of the program named in my complaint in order to obtain facts and evidence regarding my complaint;

I do not have to reveal any personal information to CRC, but CRC may close my complaint if I refuse to reveal information needed to fully investigate my complaint;

I may request and receive a copy of any personal information CRC keeps in my complaint file for investigatory uses; and

Under certain conditions, CRC may be required by the Freedom of Information Act to reveal to others personal information I have provided in connection with my complaint.

SECTION A

☐

YES, CRC MAY DISCLOSE MY IDENTITY IF NECESSARY TO INVESTIGATE MY COMPLAINT. I have read and understand this notice, and I consent for CRC to process my complaint.

(Signature)

(Date)

SECTION B

☐

NO, CRC MAY NOT DISCLOSE MY IDENTITY, EVEN IF NECESSARY TO PROCESS MY COMPLAINT. I have read and understand the notice, and I do not consent for CRC to disclose my identity during investigation of my complaint. I request that CRC process my complaint, however, I understand that CRC may cancel my complaint if it cannot fully investigate without disclosing my identity. I also understand that CRC may close my complaint if it cannot begin an investigation because I have not consented for CRC to reveal my identity.

(Signature)

(Date)

Departamento del Trabajo Centro de Derechos Civiles

Notificación Sobre Uso De Información Personal

Hay dos leyes que gobiernan el uso de información personal sometida por un ciudadano a una agencia federal, incluyendo la Oficina de Derechos Civiles (CRC): la ley Privacidad (Privacy Act, 5 U.S.C. 552), y la Ley de Libertad de información (Freedom of Information Act, 5 U.S.C. 552). La siguiente información le ayuda a entender mejor estas leyes. Por favor, lea esta Notificación, luego firme y devuelva el formulario adjunto.

LA Ley De PRIVACIDAD protege al individuo contra el uso incorrecto de información personal en manos del Gobierno Federal. La Ley aplica a documentos que son mantenidos y que pueden ser identificados a base del nombre de la persona, número de seguro social o algún otro sistema de identificación personal. Las personas que sometan información a la Derechos Civiles deben saber lo siguiente:

- La Oficina de Derechos Civiles está autorizada a investigar quejas de discriminación por razón de raza, color, origen nacional, edad e impedimento físico, y en algunos casos por razón de sexo, religión, ciudadanía, y afiliación política, en programas que reciben fondos Federales de Departamento del Trabajo. La Oficina de Derechos Civiles está también autorizada a conducir inspecciones de programas que reciben fondos Federales para determinar si estos programas están cumpliendo con las leyes de derechos civiles.
- La información recopilada por la Oficina de Derechos Civiles es analizada por personal autorizado. Esta información puede incluir documentos sobre los empleados o sobre los participantes o cualquier otro tipo de información personal. En el transcurso de una investigación, el personal de CRC puede tener la necesidad de revelar parte de esta información a personas fuera de la Agencia. La información revelada podría incluir, por ejemplo, datos sobre la condición física o la edad de la persona. CRC puede tener la necesidad de proporcionar parte de la información personal que posee a cualquier persona que lo solicite bajo los derechos provistos por la Ley de Libertad de información.
- CRC también puede tener la necesidad de proporcionar la información que posee a otras personas fuera de la oficina que estén envueltas en procedimientos contra una agencia o programa. Esto puede incluir información sobre ingreso, edad, estado civil, o condición física del quejante/querellante.
- Toda información personal provista se podrá usar únicamente con el propósito con que fue solicitada. La información ha de usarse en actividades relacionadas con el cumplimiento e implementación de las leyes de derechos civiles. CRC no proveerá la información a ninguna otra organización o personas a menos que la persona que proveyó la información lo autorice por escrito, o a menos que la información sea solicitada bajo la Ley de Libertad de información.
- Ninguna ley obliga al querellante a proporcionarle información personal a CRC, y no se le penalizará si rehusa proporcionar a CRC esta información. Sin embargo, si CRC no logra obtener la información necesaria para investigar la alegación de discriminación, es posible que la investigación tenga que ser cerrada.
- Cualquier persona puede solicitar y podrá obtener copia de material personal que CRC mantiene sobre dicha persona en sus archivos.

COMA NORMA, LA OFICINA DE DERECHOS CIVILES NO REVELA EL NOMBRE U OTRO DATO QUE PUEDA IDENTIFICAR A UN INDIVIDUO A MENOS QUE ESTO SEA NECESARIO PARA COMPLETAR UNA INVESTIGACION O PARA PROCEDER CON MEDIDAS DE IMPLEMENTACION CONTRA UN PROGRAMA QUE HAYA VIOLADO LA LEY. CRC no revelará la identidad del quejante/querellante a una agencia que esté siendo investigada a menos que el querellante lo autorice por escrito.

LA LEY DE LIBERTAD DE INFORMACION proporciona al público máximo acceso a los archivos y documentos de Gobierno Federal. Las personas pueden solicitar y obtener información de varios tipos y de distintas categorías de documentos mantenidos por el gobierno en adición a material de información personal. La Oficina de Derechos Civiles deberá honrar solicitudes de información sometidas bajo la ley de Libertad de información, excepto en las siguientes situaciones:

- CRC normalmente no está obligada a divulgar ciertos documentos durante una investigación o procedimientos de implementación si esto afecta la habilidad de CRC de cumplir con sus responsabilidades; y,
- CRC puede rehusar divulgar información si esto constituye una "invasión de privacidad," claramente innecesaria.

FAVOR DE LEER Y FIRMAR LA SECCION A O LA SECCION B DE ESTA FORMA. DEVUELVALA A LA OFICINA DE DERECHOS CIVILES CON LA FORMA DE INFORMACIÓN SOBRE QUEREALLA/QUEJA.

CONSENTIMIENTO PARA EL USO DE INFORMACION PERSONAL

He leído y entendido la Notificación Personal que me ha provisto la Oficina de Derechos Civiles (CRC). Dicha notificación describe las disposiciones aplicadas a la Ley de Privacidad (Privacy Act) y la Ley de Libertad de información (Freedom of information Act).

- Durante el transcurso de la investigación CRC puede verse en la necesidad de revelar mi identidad a personas de la agencia que esta siendo investigada;
- No estoy obligado(a) a proveerle a CRC información personal, pero mi queja puede ser cerrada si me niego a proveer información necesaria para investigar la misma;
- Puedo solicitar y obtener una copia de cualquier información personal que CRC mantenga en mi expediente; y,

Bajo ciertas circunstancias, la información personal que yo haya provisto a CRC se puede divulgar bajo la Ley de Libertad de información.

SECCION A

☐

SI

SI, CRC PUEDE REVELAR MI IDENTIDAD SI ES NECESARIO PARA LA INVESTIGACION DE MI QUEJA. He leído y entendido la Notificació Sobre Uso de información Personal que me ha provisto la Oficina de Derechos Civiles.

(FIRMA)

(FECHA)

SECCION B

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NO

NO, NO DOY MI CONSENTIMIENTO A CRC PARA DIVULGAR MI IDENTIDAD DURANTE LA INVESTIGACION DE MI QUEJA. Deseo que mi identidad se mantenga en confidencia durante la investigación; no obstante entendiendo que si CRC determina que mi consentimiento es necesario para completar la investigación, puede cerrar mi queja si me niego a darlo.

(FIRMA)

(FECHA)